

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

BRIAN C. LEWIS (DCBN 476851)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, CA 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: brian.lewis@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
EDWIN LEON HEROLD,)
)
Defendant.)
)
)
)

No. CR 12-0272 SBA

**STIPULATION AND PROPOSED
ORDER TO SET DATE FOR CHANGE
OF PLEA AND SENTENCING**

The parties have reached a plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C). Accordingly, the parties jointly request that this matter be set for change of plea and sentencing on August 21, 2012 before the district court, and the next status before the magistrate on June 29, 2012, be vacated. The parties also stipulate that the time between today and August 21, 2012, is automatically excluded from calculations under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(1)(G). A copy of the plea agreement and a consent form to begin a

//

//

//

pre-plea investigation will be lodged with the Court.

IT IS SO STIPULATED.

DATED: June 1, 2012

/s/

NED SMOCK
Counsel for Edwin Leon Herold

DATED: June 1, 2012

/s/

BRIAN C. LEWIS
Assistant United States Attorney

ORDER

The Court hereby finds the following:

1. The parties have reached a Rule 11(c)(1)(C) agreement and have submitted that agreement to the Court for consideration;
2. The defendant has consented to a pre-sentence investigation and to disclose the report before his plea of guilty; and
3. The Court has taken the proposed plea agreement under submission while the United States Probation Office prepares a Presentence Investigation Report.

Based on these findings, IT IS HEREBY ORDERED that

1. This matter is referred to the United States Probation Office for preparation of a pre-plea Presentence Investigation Report.
2. The parties shall appear before this Court on August 21, 2012, at 10:00 a.m., for change of plea and sentencing.
3. Time is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G), from the date of this Stipulation to August 21, 2012, based on the Court's consideration of the proposed plea agreement to be entered into by the defendant and the attorney for the government.
4. The status hearing before the magistrate court set for June 29, 2012, is hereby VACATED.

DATED: 6/1/12


SAUNDRA BROWN ARMSTRONG
United States District Judge